

III. **ARGUMENT**

In reply to the various arguments made by the Examiner in rejecting the claims as being anticipated by Ching under 35 U.S.C. §102(e), Appellant makes the following reply.

Independent Claim 13 is Allowable over Ching

In the Appeal Brief, Appellant argued that Ching does not teach or suggest a scanner for scanning various types of receipts of no predefined format, each said receipt containing expense information printed thereon, as recited in independent Claim 13 (see pages 6-7 of the Appeal Brief).

In the Response to Arguments on Page 12 of the Examiner's Answer, the Examiner argues with respect to the rejection of Claim 13 that

...Ching '168' clearly discloses that an electronic scanning device 103 of fig 1, [is] able to scan various types of receipts 109 of fig 3, having no predetermined format (i.e. a designated area 304 of fig 3, [is provided for] a hand written notation for purchaser).

Thus, the Examiner's own argument clearly states that the receipt 109 of Ching has a predefined format that includes a predefined designated area 304 for hand written notations. Further, Appellant respectfully notes that Ching does not teach scanning various types of receipts of no predefined format, but instead only teaches scanning of the receipt 109, which has a specifically-defined format that includes a machine readable data pattern 108, such as a barcode, and the designated area 304.

Appellant respectfully submits that the invention of Ching will not work with any other type of receipt having a format other than the format defined for receipt 109.

Therefore, Ching does not teach scanning various types of receipts of no predefined format, each said receipt containing expense information printed thereon, as recited in Appellant's Claim 13. In view of this, Appellant respectfully submits that independent Claim 13 is neither anticipated, nor suggested by Ching or the other art of record, whether taken singly, or in combination.

Independent Claim 1 is Allowable over Ching

In the Appeal Brief, Appellant argued that Ching does not teach or suggest a scanner to scan various types of receipts and a computer that receives the scanned information for each receipt and processes the scanned information including numerical data in the receipt to obtain expense information, as recited in independent Claim 1 (see pages 10-12 of the Appeal Brief).

In the Response to Arguments on Page 11 of the Examiner's Answer, the Examiner argues

...Ching '168' when considered as a whole clearly teaches that an electronic scanning device 103 of fig 1, able to scan various types of receipts 109 of fig 3, having a connection to a computer a data processing device 202 of fig 2 for further processing of scanned information, including numerical data such as expense in receipt 109 of fig 3, which contain a machine readable 108, along with human readable version of the transaction data set 107, having transaction amount (numerical value), includes designated area 304 of fig 3, for entry of hand written notation of purchaser.

Thus, Appellant respectfully notes that the Examiner has failed to point to an area of Ching that teaches scanning various types of receipts and processing the scanned information, including numerical data, to obtain expense information. Instead, as

discussed by the Examiner, Ching teaches a scanning device 103 that reads a machine-readable dataform 108 (i.e., a barcode) to obtain relevant transaction information about the prior transaction (see, e.g., col. 8, lines 13-17 of Ching). The dataform 108 contains all the transaction data in encoded form. Ching also discusses that the receipt 109 may optionally contain a variety of information including human readable transaction data 107 and handwritten notation area 304 (see, e.g., Ching at col. 9, lines 6-11). However, Ching only teaches collecting expense information from the dataform 108. Ching does not teach or suggest scanning the human readable transaction data 107 or processing this data 107 in any way for obtaining expense information. Thus, Ching does not teach or suggest processing scanned information where the scanned information includes numerical data from various types of receipts for obtaining expense information, as set forth in Appellant's claim 1.

Further, at page 12, of the Examiner's Answer, starting at line 1, the Examiner states that

...processing of the scanned information includes numerical data, such as numerical value reflecting each good or service being transacted; 'total amount' total amount of transaction is a 'numerical value' scanned from the receipt 109... (citing col. 6, lines 55-66).

However, Appellant respectfully notes that this statement is incorrect. At the cited portion, column 6, lines 55-66, Ching is discussing creation of the receipt--not scanning of the receipt. Thus, here Ching is discussing the information that is to be encoded in the barcode, and not numerical information that is scanned from the receipt for obtaining expense information. In view of the foregoing, Appellant

respectfully submits that Ching fails to teach each and every element of Claim 1, and Appellant respectfully submits that Claim 1 is neither anticipated, nor suggested by Ching or the other art of record, whether taken singly, or in combination.

Independent Claim 18 is Allowable over Ching

In the Appeal Brief, Appellant argued that Ching does not teach or suggest providing a scanner for scanning various types of receipts having expense information printed thereon, and collecting automatically, by said computer, expense information contained in the scan of each said receipt, wherein the position of the expense information on each receipt is not predetermined, as recited in independent Claim 18 (see pages 12-14 of the Appeal Brief).

In the Response to Arguments on Page 14 of the Answer, the Examiner argues with respect to the rejection of claim 18 that

...Ching '168' clearly discloses that an electronic scanning device 103 of fig 1, [is] able to scan various types of receipts 109 of fig 3, having no predetermined format (i.e. a designated area hand written notation 304 of fig 3, for purchaser with no predetermined format).

Thus, similar to Claim 13 above, the Examiner here himself states that the position of handwritten information is in predetermined designated area 304. Ching also discusses that the receipt 109 may optionally contain a variety of information including human readable transaction data 107 (see, e.g., Ching at col. 9, lines 6-11). However, Ching only teaches collecting expense information from the dataform 108 (barcode) which has a predetermined position on the receipt 109. Ching does not teach or suggest scanning the human readable transaction data 107 or processing

this data 107 in any way. Therefore, Ching does not teach scanning various types of receipts and automatically collecting expense information contained in the scan of each receipt, wherein the position of the expense information on each receipt is not predetermined, as recited in Claim 18.

In the rejection of Claim 18, the Examiner further goes on to state at page 15 of the Examiner's Answer, first full paragraph, that

In view of the above, having the system of Ching '186' and then given the well-established teaching of the prior art, the Examiner asserts that the prior art teaches or suggest a scanner...(emphasis added).

Appellant respectfully notes that this argument is improper for a rejection under 35 U.S.C. §102. In particular, the Examiner appears to be referring to a "well-established teaching" of un-cited prior art in addition to the teachings of Ching. Appellant further respectfully notes that Appellant's present application was filed over six years ago, and claims priority to provisional applications filed over seven years ago. Thus, what might seem well-established now, was not well-established seven years ago. Furthermore, under 35 U.S.C. §102, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Appellant respectfully submits that such is not the case here. In view of this, Appellant respectfully submits that independent Claim 18 is neither anticipated, nor suggested by Ching or the other art of record, whether taken singly, or in combination.

IV. CONCLUSION

The remaining claims depend from one of the claims discussed above, and are allowable at least because they depend from an allowable base claim. In view of the foregoing Arguments, Appellant respectfully requests reversal of the rejections of claims 1-11 and 13-21, and issuance of a timely Notice of Allowance.

XII. FEES

No additional fees are required for the filing of this Reply Brief. If any additional fees are due in connection with the filing of this Reply Brief, including any Extension of Time fees that are necessary, the Commissioner is hereby authorized to charge Deposit Account No. 50-1417 for these fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colin D. Barnitz', with a stylized flourish at the end.

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